


FILED

FEB 13 2003

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY CLERK

BRADLEY JOHNSON,
Individually, and JUANITA
JOHNSON, as Next Friend
of John-Erik Daniel Johnson,

Plaintiffs,

V.

THE CITY OF CONVERSE,
TEXAS, and SGT. PAUL
BOCCONCELLI,

Defendants.

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SA-01-CA-724 IV

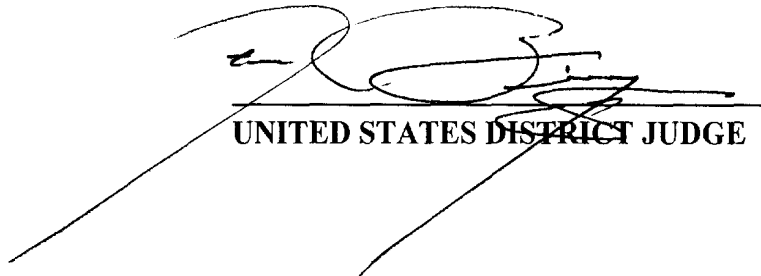
ORDER

On this date the above-styled and numbered cause came on for consideration by the Court. Also under consideration is the Report and Recommendation of United States Magistrate Judge Nancy Stein Nowak to which no objections have been filed. After having reviewed the U.S. Magistrate Judge's Report; the Court finds same to be neither clearly erroneous nor contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert denied*, 492 U.S. 918 (1989). The Court hereby accepts, approves, and **ADOPTS** the U.S. Magistrate Judge's Report and Recommendation, incorporating same herein.

It is accordingly **ORDERED** that the defendants' motion for summary judgment is **DENIED** with respect to plaintiffs' §1983 claim against Bocconcelli for excessive force. As to

all other claims; the motion is **GRANTED**.

Signed: February 13, 2003



UNITED STATES DISTRICT JUDGE